

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

FREEDOM COALITION OF DOCTORS FOR  
CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND  
PREVENTION,

Defendant.

Civil Action No. 2:23-cv-9-Z

**DEFENDANT’S MOTION TO DISMISS**

Defendant respectfully moves to dismiss Plaintiff’s Complaint for Declaratory and Injunctive Relief, ECF No. 1, under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction and Federal Rule of Civil Procedure 12(b)(3) for improper venue. The grounds for this motion are set forth in the accompanying memorandum and supporting materials.

Dated: February 21, 2023

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MARCIA BERMAN  
Assistant Director, Federal Programs Branch

/s/ Jody D. Lowenstein  
JODY D. LOWENSTEIN  
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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

On February 21, 2023, I electronically submitted this document to the Clerk of Court for the U.S. District Court for the Northern District of Texas using the Court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein  
JODY D. LOWENSTEIN  
Trial Attorney  
United States Department of Justice